

Interim Decision #2067

MATTER OF JOHNSON

In Deportation Proceedings

A-18436946

Decided by Board December 7, 1970

Since respondent has not established, pursuant to the provisions of section 230 of the Civil Code of California, adoption of his U.S. citizen child born out of wedlock, where the child has always lived with its natural mother and has never been received into the household of respondent, he has failed to prove the requisite familial relationship to qualify for the benefits of section 241(f) of the Immigration and Nationality Act, as amended.

CHARGE:

Order: Act of 1952—Section 241(a)(1). [8 U.S.C. 1251(a)(1)]—Immigrant not in possession of a valid unexpired immigrant visa or other valid entry document and not exempt from possession thereof pursuant to section 212(a)(20) of the Act.

ON BEHALF OF RESPONDENT: Arthur D. Cohen, Esquire
840 North Broadway
Los Angeles, California 90012
(Brief filed)

The case comes forward on appeal from the decision of the special inquiry officer who found respondent deportable as charged, denied his application for voluntary departure and ordered that he be deported to British Honduras. Respondent claimed relief from deportation pursuant to section 241(f) of the Immigration and Nationality Act but the special inquiry officer held that he had not met the eligibility requirements of that section.

The respondent is a 26-year-old single male alien, a native and citizen of British Honduras who last entered the United States at El Paso, Texas on or about October 15, 1969. He testified that he entered as a passenger in an automobile that was driven by a United States citizen, and that an officer of the United States Immigration and Naturalization Service questioned the driver of the